

II. REMARKS

A. Status of the Claims

Applicants respectfully submit that claims 3, 6, 8, 11-13, and 17 have been cancelled without prejudice in a previous amendment. Claims 31, 33, 34-38 and 41-42 stand withdrawn as they are directed to the non-elected species. Claims 1, 2, 4, 5, 7, 9, 10, 14-16, 18-30, 32, and 39-40 are pending.

B. Response to Election of Species Requirement

In the Office Action, the Examiner requested an election of a single disclosed species for prosecution. The Examiner has restricted the claims under 35 U.S.C. §121 to the following species:

Species I: a fusion method.

Species II: a co-precipitation method.

Species III: a melting-solvent method.

In response to the election of specie requirement under 35 U.S.C. §121, Applicant hereby elects Species II without traverse “a co-precipitation method” as the distinct specie from the group of methods to render the medicament amorphous.

Applicants respectfully submit that all claims are readable on the elected species.

CONCLUSION

A check in the amount of \$120.00 is being submitted to herewith for the fee due under 37 C.F.R. § 1.17(a). If it is determined that any additional fees are due, or any fee has been overpaid, the Commissioner is specifically authorized to charge said fees or to credit any overpayment to Deposit Account No. 50-0552. Reconsideration and allowance of the present application is respectfully requested.

Respectfully submitted,

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